



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

July 22, 2013

Mr. Terry Little  
Sussex Technical School District  
P.O. Box 351  
Georgetown, DE 19947

RE: PLUS review 2013-06-08, Sussex Tech School District  
(Option 4)

Dear Mr. Little:

Thank you for meeting with State agency planners on June 26, 2013 to discuss the feasibility of a school site for the Sussex Technical School district on 229 acres located northwest of Route 9 and North of Warrington Road near Georgetown in Sussex County. The application materials identify this site as "Option 4."

According to the information received, you are seeking review of a potential site for a 420,000 square foot career and educational facility with related amenities.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

### **Strategies for State Policies and Spending**

This proposal is located in Investment Level 4 according to the Strategies for State Policies and Spending, **The comments in this letter are technical, and are not intended to suggest that the State supports this development proposal. This letter does not in any way suggest or imply that you may receive or may be entitled to permits or other approvals necessary to construct the development you indicate or any subdivision thereof on these lands.**

### **State Strategies/Project Location**

This project represents a major land development that will result in a 420,000 square feet high school in an Investment Level 4 area according to the *2010 Strategies for State Policies and Spending*. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved.

From a fiscal responsibility perspective, development of this site is likewise inappropriate. The cost of providing services to a school in rural areas is an inefficient and wasteful use of the State's fiscal resources. The project as proposed is likely to bring 420,000 square feet to an area where the State has no plans to invest in infrastructure upgrades or additional services.

Because the development is inconsistent with the Strategies for State Policies and Spending, the State is opposed to this proposed school site.

### **Code Requirements/Agency Permitting Requirements**

Delaware Department of Transportation – Contact Bill Brockenbrough 760-2109

- DelDOT would expect the proposed school to warrant a Traffic Impact Study (TIS) per Section 2.3.1 of DelDOT's Standards and Regulations for Subdivision Streets and State Highway Access. They will make a final determination in this regard and determine a scope for that study when more information is available on expected traffic to be generated by the proposed school.
- If this site is selected, significant improvements will likely be needed on Warrington Road (Sussex Road 518A) between Route 9 and Asbury Road (Sussex Road 446) and/or on Asbury Road between US Route 9 and Warrington Road. In accordance with Section 3.10.2, the District should expect to be held responsible for those costs and factor them into their consideration of this site.

State Historic Preservation Office – Contact Terrence Burns 736-7404

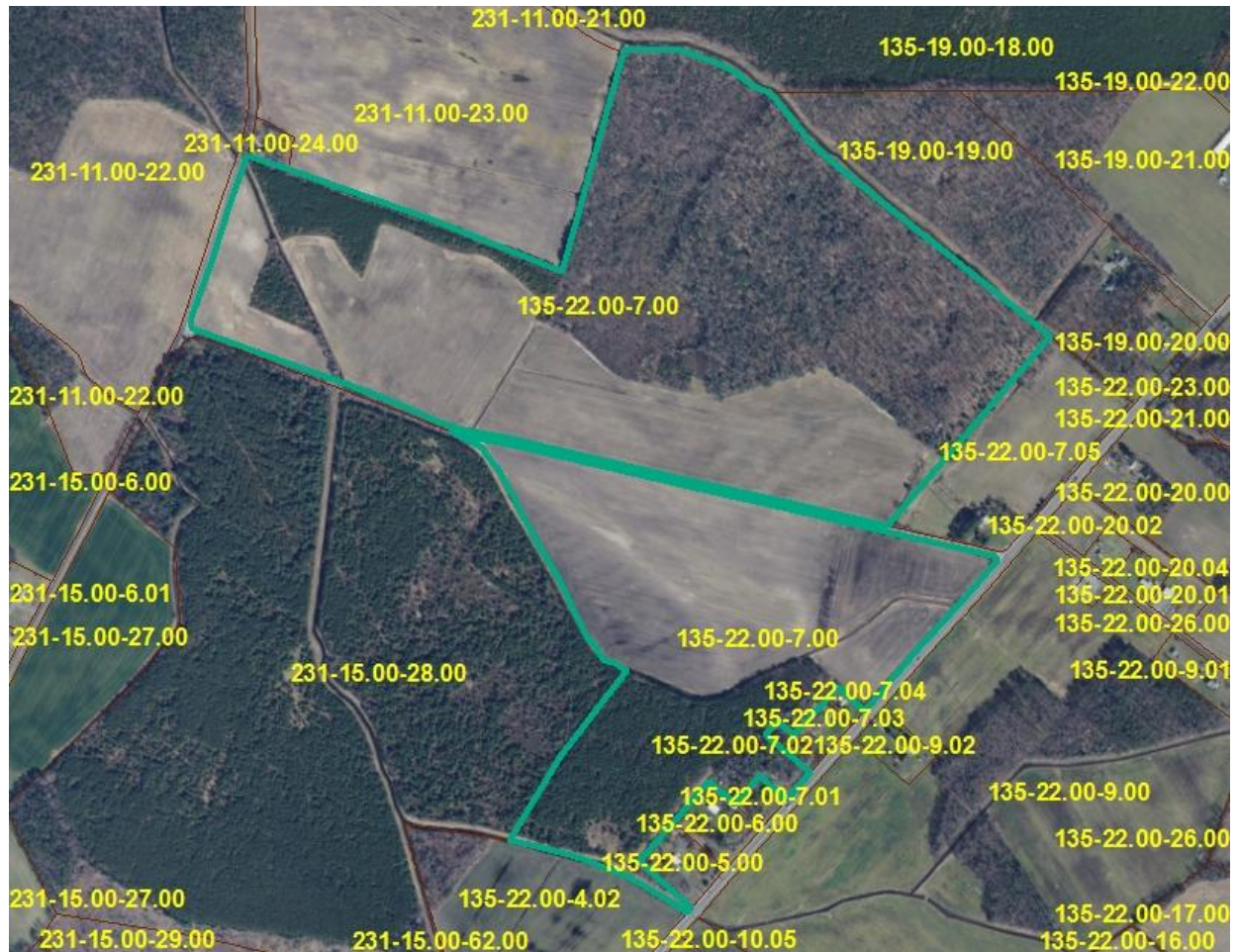
- There are no known historic or cultural resources such as an archaeological site or National Register-listed property on this parcel. However, if there is going to be any kind of development or construction project on this parcel, it is still important that the developer be aware of the Delaware Unmarked Human Burials and Human Skeletal Remains Law, which is outlined in Chapter 54 of Title 7 of the Delaware Code.
- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, and sometimes near or within the boundary of an historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Delaware Code Title 7, Chapter 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to know more information that pertains to unmarked human remains or cemeteries, please check the following websites for additional information: [www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and [www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml).
- Prior to any demolition or ground-disturbing activities, the developer should consider hiring an archaeological consultant to examine the parcel for potential historic or cultural resources, such as a potential archaeological site, a cemetery or unmarked human remains.
- If there is any federal involvement with the project, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-

disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role, please review the Advisory Council's website at [www.achp.gov](http://www.achp.gov).

Department of Natural Resources and Environmental Control – Contact Kevin Coyle  
735-3495

### **Wetlands**

- State regulated wetlands **ARE NOT** located on this property based on a review of the State wetland maps. State regulated wetlands are those wetlands identified on the State's official State Regulated Wetland Maps. Additional information about State regulated wetlands is available by contacting the Wetlands and Subaqueous Lands Section at (302) 739-9943 or on line at <http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx>.
- State regulated subaqueous lands **ARE NOT** likely to be located on this property based on a review of aerial photographs, SWMP maps, Soil Surveys and USGS topographic maps. State subaqueous lands include all tidal waters (up to the mean high water line), most non-tidal rivers, streams, lakes, ponds, bays and inlets (up to the ordinary high water line), most perennial streams and ditches and many intermittent streams and ditches. Additional information about State regulated subaqueous lands is available by contacting the Wetlands and Subaqueous Lands Section at (302) 739-9943 or on line at <http://www.dnrec.delaware.gov/wr/Services/Pages/WetlandsAndSubaqueousLands.aspx>.



### TMDLs

- The project is located in the greater Chesapeake drainage area; specifically, within the Nanticoke & Deep Creek watersheds. In these watersheds, the State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act). A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited water body” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The TMDL for the Nanticoke watershed calls for a 30 and 50 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 2 percent reduction in bacteria from baseline conditions.
- The applicant should be aware that the EPA required the State of Delaware to develop a Watershed Implementation Plan (WIP) and 2-year progress milestones for purposes of accelerating efforts to improve and restore waters of the Chesapeake Bay. The WIP and milestones identify specific pollution reduction practices and programs to reduce nitrogen, phosphorus, and sediment from a variety

of sources within the watershed. More stringent TMDL reduction(s) may be developed by the EPA (in the near future) for the entire Chesapeake drainage, thus increasing the TMDL reduction targets for the Nanticoke watershed or supplanting the existing TMDL reduction targets developed by the State.

### **Water Supply**

- The project information sheets state that individual on-site well(s) will be used to provide water for the proposed project. Our records indicate that the project is not located in an area where public water service is available. Since an on-site Industrial, Public/Miscellaneous Public well will be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area, and it must also be located at least 150 feet from the outermost boundaries of the project. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the current Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing each and every well(s).
- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.
- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

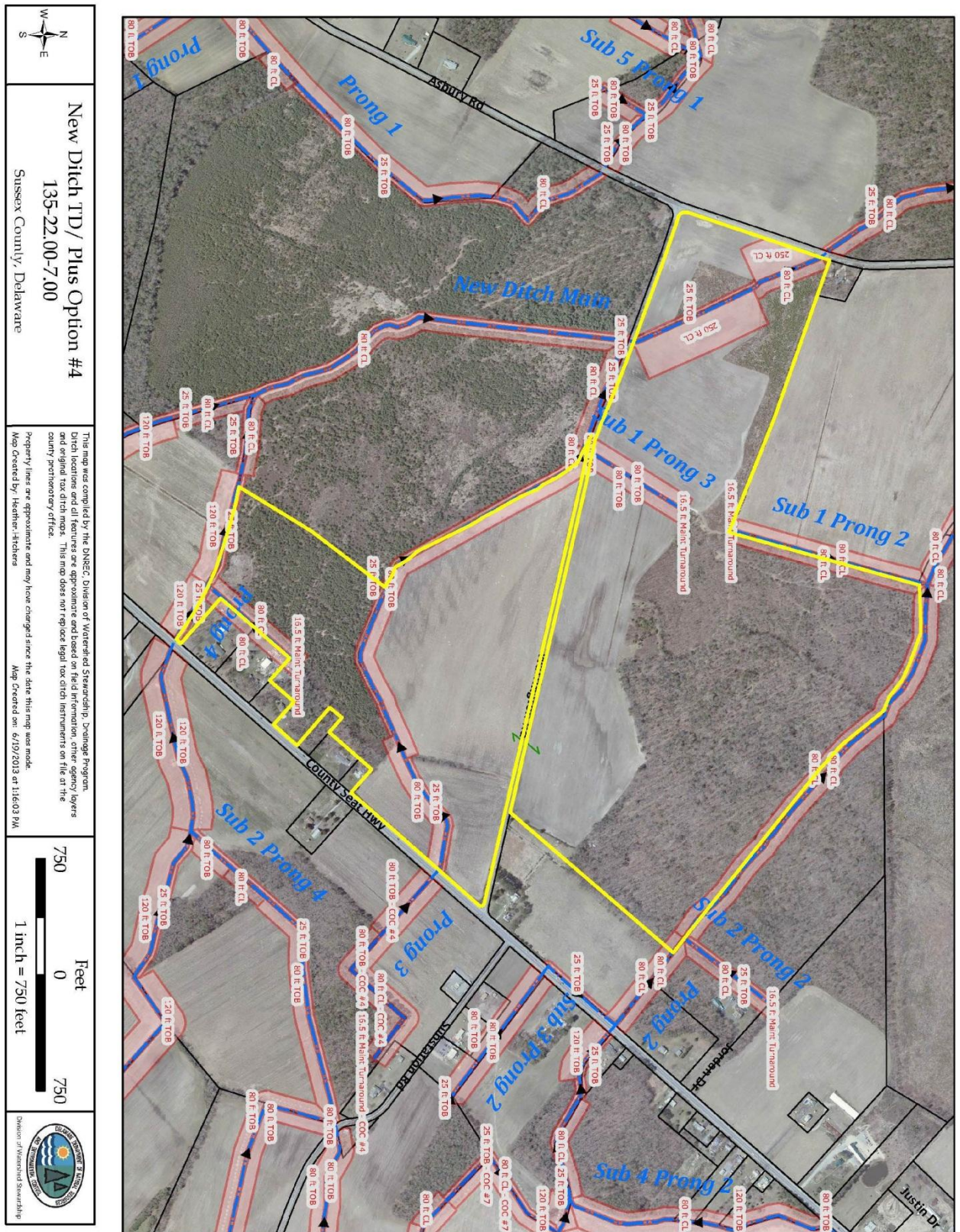
### **Sediment and Stormwater Program**

- A detailed Sediment and Stormwater Management Plan must be approved prior to any land disturbing activity taking place on the site. The project will be reviewed for compliance with the Delaware Sediment and Stormwater Regulations by the DNREC Sediment and Stormwater Program. A Notice of Intent (NOI) for Discharge of Stormwater from Construction Activities and the \$195 NOI fee must be submitted prior to DNREC prior to Sediment and Stormwater Plan approval. A pre application meeting is strongly recommended prior to putting a lot of effort into a design. Contact Elaine Webb, DNREC Sediment and Stormwater Program, at (302) 739-9921 or Elaine.Webb@state.de.us to schedule a pre application meeting.
- The first preferred practices for management of stormwater quality are practices that mimic the pre development hydrology and promote recharge, including Green Technology BMPs. Other practices may only be considered for stormwater quality management when Green Technology BMPs have been ruled out for engineering

reasons. The Sediment and Stormwater Regulations are currently undergoing a revision. It is anticipated that revised regulations will be effective in January 2014. Projects received for review after the effective date will be expected to comply with the revised regulations. (Title 7, Delaware Code, Chapter 40 and Delaware Regulations, Title 7, Administrative Code, 5101)

### **Drainage Program**

- This property is located in the **New Ditch Tax Ditch** and is affected by tax ditch rights-of-way.
- Any change to the location of the tax ditch or existing tax ditch rights-of-way will require a change to the New Ditch Tax Ditch court order. The placement of permanent obstructions within tax ditch rights-of-ways is prohibited.
- Please contact Matthew Grabowski, Environmental Program Manager with the Drainage Program in Georgetown at (302) 855-1930 to discuss the tax ditch rights-of-way on this property.



- The North and West portions of this parcel are located in a Zone A Special Flood Hazard Area. This means no detailed analysis has been done to determine a base flood elevation (what the flood height would be). Sussex County requires a flood study be submitted for all development greater than 5 acres or 50 lots.

#### Air Quality

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1, Potential Regulatory Requirements, may apply:

<b>Table 1: Potential Regulatory Requirements</b>	
<b>Regulation</b>	<b>Requirements</b>
<b>7 DE Admin. Code 1106</b> - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> <li>• Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads.</li> <li>• Use covers on trucks that transport material to and from site to prevent visible emissions.</li> </ul>
<b>7 DE Admin. Code 1113</b> – Open Burning	<ul style="list-style-type: none"> <li>• Prohibit open burns statewide during the Ozone Season from May 1-Sept. 30 each year.</li> <li>• Prohibit the burning of land clearing debris.</li> <li>• Prohibit the burning of trash or building materials/debris.</li> </ul>
<b>7 DE Admin. Code 1135</b> – Conformity of General Federal Actions to the State Implementation Plan	<ul style="list-style-type: none"> <li>• Require, for any “federal action,” a conformity determination for each pollutant where the total of direct and indirect emissions would equal or exceed any of the de minimus levels (See Section 3.2.1)</li> </ul>
<b>7 DE Admin. Code 1141</b> – Limiting Emissions of Volatile Organic Compounds from Consumer and Commercial Products	<ul style="list-style-type: none"> <li>• Use structural/ paint coatings that are low in Volatile Organic Compounds.</li> <li>• Use covers on paint containers when paint containers are not in use.</li> </ul>
<b>7 DE Admin. Code 1144</b> – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> <li>• Ensure that emissions of nitrogen oxides (NO<sub>x</sub>), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>) from emergency generators meet the emissions limits established. (See section 3.2).</li> <li>• Maintain recordkeeping and reporting requirements.</li> </ul>
<b>7 DE Admin. Code 1145</b> – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> <li>• Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.</li> </ul>

For a complete listing of all Delaware applicable regulations, please look at our website:

<http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Delaware State Fire Marshall's Office – Contact Duane Fox 739-4394

At the time that a site has been selected, it is the suggestion of the State Fire Marshall's Office that a preliminary meeting with a fire protection specialist take place prior to formal submittal of the site and/or buildings. Please call for appointment. Applications and brochures can be downloaded from our website: [www.statefiremarshal.delaware.gov](http://www.statefiremarshal.delaware.gov), technical services link, plan review, applications or brochures.

Some of the concerns that will be addressed includes, but is not limited to the following:

- **Fire Protection Water Requirements:**
  - Water distribution system capable of delivering at least 1000 gpm for 1-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- **Accessibility:**
  - All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
  - Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the main entrance.
  - Any dead end road more than 300 feet in length shall be provided with a turn-around or cul-de-sac arranged such that fire apparatus will be able to turn around by making not more than one backing maneuver. The minimum paved radius of the cul-de-sac shall be 38 feet. The dimensions of the cul-de-sac or turn-around shall be shown on the final plans. Also, please be advised that parking is prohibited in the cul-de-sac or turn around.
  - The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
  - The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.
- **Gas Piping and System Information:**
  - Provide type of fuel proposed, and show locations of bulk containers on plan.

School sites must be approved by the Secretary of Education, the Director of OMB, and the Director of the Office of State Planning Coordination. The *Strategies for State Policies and Spending*, the information contained within this PLUS letter and other factors will be considered when the Secretary and the two Directors make the determination about whether or not to approve a school site.

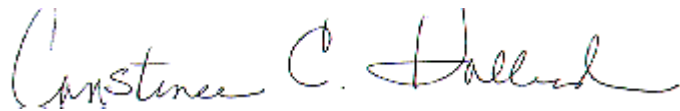
Once the District decides on a school site or sites to pursue for approval, the district must submit a letter requesting approval of the site(s) to the Department of Education. The letter should be directed to the Education Associate responsible for School Plant Planning and

Maintenance. The letter should contain a tax parcel ID #, PLUS review #, and all relevant information regarding the site and the proposed school.

**Once a school site has been selected and approved, and the site plan for the school has been designed, a new PLUS review will be required prior to submission of the plan to the local government.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in blue ink that reads "Constance C. Holland". The signature is fluid and cursive, with the first name "Constance" being the most prominent part.

Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County  
A.J. Lathbery, Sussex Tech School District  
Mike Horsey, Common Sense Solutions